

Remarks/Arguments

This Amendment is responsive to the Office Action of October 22, 2003 finally rejecting all claims in the application.

As presently, claimed, the invention is directed to an improvement in wipes of the type used in electronic clean rooms as, for example, the wipes recited in US 4,328, 279 and referenced at page 3, line 11 of Applicants' specification. The wipes are low VOC and metallic ion free.

A major issue which Applicants believe has led to the improper rejection of all claims under the statutory bases 35 U.S.C. §102(e) and 35 U.S.C. §103(a) and differing from the basis for the rejection in the previous Office Action is the Examiner's erroneous construction of Claims 20 and 23 as recited in paragraphs 4, 5, and 6 of the Office Action. Applicants have used the expression "consisting essentially of" in defining the solution employed in the claimed wipes. The Examiner suggested the Applicant's have not demonstrated how the addition of the components in the cleaning solutions in the prior art would affect the basic and novel characteristics of the claimed wipes. Therefore, the Examiner has construed the language "consisting essentially of" as equivalent to "comprising" and, therefore, the claims were construed as including those components recited in the cleaning solutions described in the prior art.

Paragraph 4

Rejection of Claims 4-9, 11 and 23 Under 35 U.S.C. §102(e) or

in the Alternative Under 35 U.S.C. §103(a) Over Pedersen, et al US 6,017,872

Examiner's Comments-In paragraph 4, Pedersen, et al was cited as teaching a cleaning solution comprising a nonionic surfactant and water and their use. The cleaning

solutions are applied to a surface and the surface cleaned by mechanical contact, e.g., wiping with a towel. Applicants' language "consisting essentially of" in Claim 23 was interpreted as equivalent to "comprising" because it had not been demonstrated how the addition of sulfonates would materially alter the basic and novel characteristics of the invention.

Remarks Pedersen, et al discloses a cleaning solution for hard surfaces, e.g., glass which has application in hospitals, etc. for cleaning bathrooms, tubs, sinks, etc. (col. 4, lines 62-67) and are based upon a combination of an ester sulfonate (a sulfosuccinate) and an aromatic sulfonate (col. 2, lines 40-45). In addition, the cleaning solution includes a defoaming nonionic, i.e., a nonionic surfactant, such as an acetylenic glycol. Applicants argued in their response of July 24, 2003 that the wipe as presently claimed excluded the sulfonates of Pedersen, et al.

There are essentially two points in regard to the rejection. As a first piece of evidence, US 4,328,279 can be considered as providing knowledge of the deleterious effect of a sulfosuccinate as required by Pedersen, et al. US '279 clearly indicates that high metallic ion content wipers employing alkali metal sulfosuccinates (Aerosol OT) cannot be tolerated in clean room applications (col. 2, lines 34-40). But, Pedersen, et al US '485 employs, as a required component, ester sulfonates of the type which include an alkali metal cation (col. 3, lines 15-26) as acceptable in their cleaning solutions. By this logic, the prior art of record clearly shows how the ester sulfonate components employed by Pedersen, et al must be excluded by Applicants' language in Claims 20 and 23 because they affect the basic and novel characteristics of their claimed wipes. Clearly, they would leave an unacceptable residue.

Second, and as an additional point with regard to VOC content, Pedersen, et al, at col. 6, lines 63-67 indicate that aqueous soluble or miscible solvents are included in their

cleaning solutions. Such solvents include lower alkanols such as isopropanol. Applicants clearly discuss in their specification the deleterious effects of lower alkanols when considering VOC emissions (pages 1 and 2 of their specification. The “consisting essentially of” language in Claims 20 and 23 would also exclude the alkanol component required of Pedersen, et al.

A second piece of evidence, and in response to the Examiner's position regarding the interpretation of the language “consisting essentially of” as a matter of claim construction, is a declaration by a coinventor, Dr. John Marsella, which addresses how the ester sulfonates, aromatic sulfonates and alkanols would affect the basic and novel characteristics of a wipe adapted for use in an electronics clean room. Clearly, the declaration shows that such components employed in the cleaning solutions of Pedersen, et al cannot be tolerated in the claimed wipes.

Therefore, in view of the limitations in Claim 23, the rejection 35 U.S.C. §102(e) must be withdrawn as well the rejection of dependent claims 4-9, and 11.

Paragraph 5

Rejection of Claims 10, 13-15, 20 and 22 Under 35 U.S.C. §103(a)

Over Pedersen, et al US 6,017,872 and Julemont, US 4,931,201

In paragraph 9 of the Office Action, the Examiner rejected Claims 1-2, 10, 13, and 15 on the basis the subject matter would have been obvious over Pedersen, et al '872 and Julemont '201.

Julemont discloses pads impregnated with cleaning solutions.

Examiner's Comments-As in paragraph 4, the basic objection to the claims at issue here lies in the interpretation of the language “consisting essentially of” as it applies to the solution employed in the wipes. Per the previous comments in paragraph 4 , the Examiner indicated

the Applicants had not demonstrated how the incorporation of the sulfonates of Pedersen, et al would affect the basic and novel characteristics of the invention, thus, the language was construed as “comprising” the sulfonates of Pedersen, et al. Julemont was cited for the proposition that it would have been obvious to incorporate the solutions of Pedersen, et al in his pads.

Remarks-Clearly the subject matter of Claims 10, 13,-15, 20 and 22 would not have been obvious considering Pedersen, et al has been distinguished in the remarks to paragraph 4. Julemont adds nothing to Petersen, et al that would suggest the elimination of the two main components of the Petersen, et al cleaning solutions, i.e., the ester sulfonate and aromatic sulfonate, thereby rendering non obvious the subject matter claimed by Applicants.

There is nothing in either reference that would suggest the elimination of the alkanol, the ester sulfonate and the aromatic sulfonate in the cleaning solutions of Pedersen, et al and making such combination with Julemont. Accordingly, a rejection under 35 U.S.C. §103(a) cannot be maintained.

Paragraph 6.

Rejection of Claim 16 Under 35 U.S.C. §103(a)

Over Pedersen, et al US 6,017,872 in view of Kramer, et al US 4,847,089

Examiner's Comments-In paragraph 6 of the Office Action, Claim 16 was rejected on the basis that Kramer, et al discloses cleaning compositions impregnated in a sponge. It was held by the Examiner that it would have been obvious to impregnate the Kramer, et al sponge with the cleaning solutions of Pedersen, et al.

Remarks-Of course the basis for this rejection must fail with Pedersen, et al having been distinguished as a reference. Thus, the subject matter of Claim 16 would not have

been obvious under 35 U.S.C. §103(a) because the sulfonate and alkanol components in the Pedersen, et al reference are excluded.

Paragraph 7

Rejection of Claims 17-19 Under 35 U.S.C. §103(a)

Over Pedersen, et al US 6,017,872

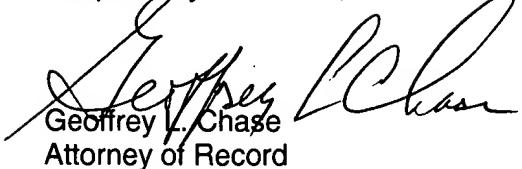
Examiner's Comments-Claims 17-19 stand rejected under 35 U.S.C. §103(a) in view of the showing of using soft water in the Pedersen, et al cleaning solutions.

Remarks-Clearly, the issue of obviousness of these claims is not decided from this limited showing. Per the comments of Paragraph 4, Claims 17-19 were construed as including the elements in the cleaning solution of Pedersen et al, i.e., an ester sulfosuccinate and an aromatic sulfonate. These elements are excluded by Applicants' claims 20 and 23, and therefore, dependent claims 17-19 for the reasons given. The fact that soft water is used by Pedersen, et al becomes irrelevant in the analysis.

Conclusion

In view of the foregoing, it is requested the application be reconsidered and, on due consideration, the claims be allowed and the application passed to issue. None of the cited references anticipate under 35 U.S.C. §102(e) or would have the subject matter of the invention obvious under 35 U.S.C. §103(a).

Respectfully submitted,



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